IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 19395 of 2006(H)

PETITIONER:

THOMAS DANIEL,
ADIMURIYIL PRAMADAM PANCHAYATH,
KOZHENCHERRI, PATHANAMTHITTA, NOW RESIDING AT
FLAT NO.G.G-7, HEERA KINARA,
KESAVADASAPURAM, THIRUVANANTHAPURAM.

BY ADV. SRI.SABU S.KALLARAMOOLA

RESPONDENTS:
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1. **THE DISTRICT COLLECTOR,**
   PATHANAMTHITTA.

2. **THE SPECIAL TAHASILDAR (LA-NH),**
   RANNI, PATHANAMTHITTA.

3. **THE EXECUTIVE ENGINEER, KSTP,**
   PONKUNNAM, KANJIRAPPALLY, KOTTAYAM.

BY GOVERNMENT PLEADER SHRI L.G. SURESH BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE TAX RECEIPT DATED 17.4.2004 IN REPSECT OF THE PETITIONER'S PROPERTY.**
EXHIBIT P2	**TRUE COPY OF NOTICE DATED 25.11.2004 ISSUED BY THE SECOND RESPONDENT.**
EXHIBIT P3	**TRUE COPY OF THE ENDORSEMENT MADE BY THE THIRD RESPONDENT IN THE SALE DEED NO.1875/70.**
EXHIBIT P4	**TRUE COPY OF THE LETTER NOTICE DATED 31.5.2006 ISSUED TO RESPONDENTS 2 AND 3.**
EXHIBIT P5	**TRUE COPY OF THE INTERIM ORDER 20.1.2006 PASSED BY THIS HONOURABLE COURT IN W.P(C) NO.1875/2006.**

RESPONDENTS' EXHIBITS:

EXHIBIT R2(a)	**TRUE COPY OF THE SALE DEED DOCUMENT.**
EXHIBIT R2(b)	**TRUE COPY OF THE SKETCH OF THE ACQUIRED AREA.**
EXHIBIT R2(c)	**TRUE COPY OF THE SUB DIVISION STATEMENT OF THE ACQUIRED AREEA.**

K. PADMANABHAN NAIR, J.

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W.P(C) NO. 19395 OF 2006

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Dated this the 26th day of March, 2007

J U D G M E N T

The apprehension of the petitioner is that originally the land acquisition authorities issued a Notification under Section 4 (1) of the Kerala Land Acquisition Act sating that they propose to acquire 200 sq.mts. of land, subsequently, they had stated that the KSTP have purchased only 30 sq.mts. of land and after purchasing that much of land they are trying to take 200 sq.mts. of land into its possession.

2. The Special Tahsildar (LA-NH), Pathanamthitta, has filed a counter affidavit stating that there is no proposal to acquire 200 sq.mts. of land. Though the Notification under Section 4(1) of the Act was issued for acquisition of approximately 200 sq.mts. of land, the requirement of the authorities was only 30 sq.mts. of land and the petitioner has executed a sale deed (Exhibit R2(a) on 2.8.2005 in respect of the said extent. It is also stated that the sale deed contains a plan showing the area purchased and Government have no intention

to take any other land other than the land covered by Exhibit R2 (a) sale deed.

In view of the above statements, no further orders are necessary in this Writ Petition. Writ Petition is accordingly closed recording the submissions made by the learned Government Pleader.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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M.F.A. NO. OF

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J U D G M E N T

15TH MARCH, 2007